

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**ANTHONY D'ACQUISTO, et al.,
Plaintiffs,**

v.

Case No. 05-C-0810

**ALEXANDRA TRIFFO, et al.,
Defendants.**

ORDER

Plaintiffs filed this case on July 28, 2005. Pursuant to Fed. R. Civ. P. 4(m) plaintiffs had 120 days from filing within which to effect service of the complaint upon the defendant Alexandra Triffo. That time period expired on November 25, 2005, yet no proof of service has been submitted to the court to date. I granted plaintiffs' motion to serve defendant Triffo by alternative means on December 16, 2005. However, by letter dated January 10, 2006, plaintiffs indicated that they did not intend to serve defendant Triffo by alternative means. As no service appears to have been effected within the 120-day period, Rule 4(m) and Civil L.R. 41.1 allow me to dismiss the case without prejudice upon my own initiative after twenty days notice to the plaintiff. This order gives plaintiffs that notice and will allow them a brief extension to secure service and file appropriate proof thereof.

THEREFORE IT IS ORDERED that plaintiffs have 21 days from the date of this order (until August 31, 2006) within which to serve defendant and file proof of that service with the clerk of court. Plaintiffs are hereby put on notice that if they fail to comply with this order this case will be dismissed.

Dated at Milwaukee, Wisconsin, this 9 day of August, 2006.

/s _____
LYNN ADELMAN
District Judge